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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION

JOHN AMBLER and STACY
AMBLER,

Plaintiffs,

v.

FLATHEAD CONSERVATION
DISTRICT,

Defendant.

Cause No.: CV 23-151-M-DLC-KLD

**DECLARATION OF MONICA
JUNGSTER**

I, Monica Jungster, declare under penalty of perjury

1. I am over 18 years of age and am a member of Montana Friends of Streams and Rivers (FMSR).
2. I am also heavily involved with community development. I worked on the West Glacier Vision Plan and am a liaison and leader in wildfire preparedness

meetings. I also work with other inholders, the Park, and the community through modeling, cooperation and collaboration.

3. Since 1960 I have owned an inholding in Glacier National Park. It is located at 198 Apgar Loop Road.

4. In early 2023, I filed a complaint with the Flathead Conservation District regarding John and Stacy Ambler's property in Apgar. Their property is located approximately 500 feet west of mine. It is adjacent to McDonald Creek, the outflow from Lake McDonald.

5. The Conservation District received my complaint on approximately February 9, 2023.

6. In my complaint, I explained to the Conservation District that "a large building is being built very close to McDonald Creek in possible violation of the Montana Natural Streambed and Land Preservation Act, the Montana Stream Protection Act, the Montana Flood Plain and Floodway Management act and other." *See* Ex. 1 attached hereto.

7. As part of the Complaint, I highlighted the historical flooding of the area and expressed my concern about the potential for flooding.

8. Apgar has a long history of flooding. Particularly, in 1964, there was catastrophic flooding due to a heavy snowpack and warm spring rains. This rain on

snow event caused McDonald Creek to flow backwards toward Lake McDonald and flooded parts of Apgar.

9. The flood waters extended 25-50 feet to the east of McDonald Creek, including the area where the Amblers' new building is located. In fact, a white house owned by a Ms. Powell was left "hanging" over the bank in this particular area. the property left after the flood, on which the Ambler's house is built, is only 0.05 acres.

10. Another property – a rental cabin – floated down stream to the Camas bridge where it had to be blasted apart.

11. Every year since then, I've watched for flooding of McDonald, particularly in the flood plain where the Ambler house is located.

12. More recently, On November 7 and 8, 2006, a "Pineapple Express" storm caused serious bridge and road damage with flooding of Upper McDonald Creek. The level of the Lake McDonald rose about three feet.

13. At the time, the Glacier National Park Superintendent Mick Holm publicly advised that the bridge repairs could not begin until all required permits were signed and received from the State of Montana. *See*, National Park Service, *Westside Flooding Repairs Update*, <https://www.nps.gov/glac/learn/news/news07-07.htm> (Mar. 2, 2007).

14. This same bridge was mentioned again in a *Hungry Horse News* article following the Howe Ridge Fire. The article states that bridge traffic is limited to foot traffic and goes on to quote Glacier's regulations that water and sewage systems must comply with standards prescribed by state and county laws and regulations. See, *Hungry Horse News, Rebuilding Kelly's Camp Will Come With Challenges*, <https://hungryhorsenews.com/news/2019/jan/09/rebuilding-kellys-camp-will-come-with-10/>

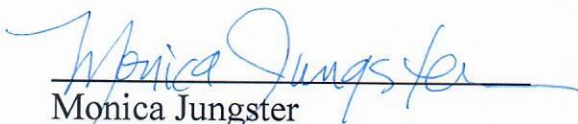
15. Flooding has also regularly occurred along McDonald Creek below Apgar at the Quarter Circle Bridge. During the 1990s, for example, my neighbors and I would always question "is the quarter circle bridge closed again?".

16. Even as recently as 2022 the Quarter Circle Bridge was at risk. In fact, I had to cancel one West Glacier Community Wildfire Preparedness meeting due to flooding and because Emergency staff were busy with flooding and the Quarter Circle Bridge on Lower McDonald Creek had closed again.

17. In my lifetime, major and minor flooding happens regularly. Floods will likely continue happening into the future.

I declare under the penalty of perjury that the foregoing is true and correct

Dated this 2 day of June, 2024.


Monica Jungster



Form 274

STATE OF MONTANA NATURAL STREAMBED AND LAND P
OFFICIAL COMPLAINT

FL-2023-022C

2023

LO Name: Ambler, John & Stacy

Stream: McDonald Creek

S23T32R19Topog: Lk McDonald W

Supervisor/s: RM

1. Alleged Violator:

Address:

Phone No:

2. Landowner Name: (where alleged violation took place)

Address: 1375 Loring St. San Diego CA. 92109

Phone No:

3. Location of Activity:

Name of perennial stream: Lower McDonald Creek - GNP

Legal description: Section: 23 Township: 32N Range: 19W

Address of Activity: 74 McDonald Creek Lane, West Glacier, MT. 59936
tract 30 3219X23-XXX 2ebc9

4. Nature of Complaint:

A. Provide a specific written description of the activity:

A large building is being built very close to McDonald Creek in possible violation of the Montana Natural Streambed and Land Preservation Act, The Montana Stream Protection Act, The Montana Flood Plain and Floodway Management Act and others. Re 1964 Flood

B. Attach a sketch of the site. Note any landmarks.

C. Provide photos if available.

D. Attach a map marked with the violation area.

5. Verification of Alleged Violation:

A. Please state whether you have personally viewed the site of the alleged violation.

Yes, I have viewed the site and enclosed pictures. I own property in area since 1960 (Montana House - 198 Ogden Loop Rd)

B. The date of the viewing: Oct. 19, 2022, Nov 28, 2022, January 25, 2023

C. Is the site viewable from public property (i.e. county/state road)? Yes

D. If the site is not viewable from public property, who's permission is needed to get to a viewable site?

In addition the history of the alleged project violation location can be found in the Glacier Park Archives of the Flood of 1964. Damaged structures, bridge to Grist Road destroyed. McDonald Creek flowed backwards in to lake McDonald and 25-50 feet of east bank of creek washed away. A white house owned by Mrs. Powell was left "hanging" over bank in area where new building is located. It is also very close to the high water mark of 1964.

RECEIVED

copies sent to Mr. FCD
Flathead CD 4/9/2023

Exhibit 1

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E. If you have not viewed the site, please state the basis that forms your belief that a violation is occurring.

6. Complainant's Signature

Printed Name:

Address

Phone No:

Monica Jungster

Monica Jungster

535 Sloan Lane, West Glacier, Mt. POBox 50 West Glacier

406-261-3747

FLATHEAD CONSERVATION DISTRICT

133 Interstate Lane, Kalispell, MT 59901 Phone: 752-4220 Fax: 752-4077

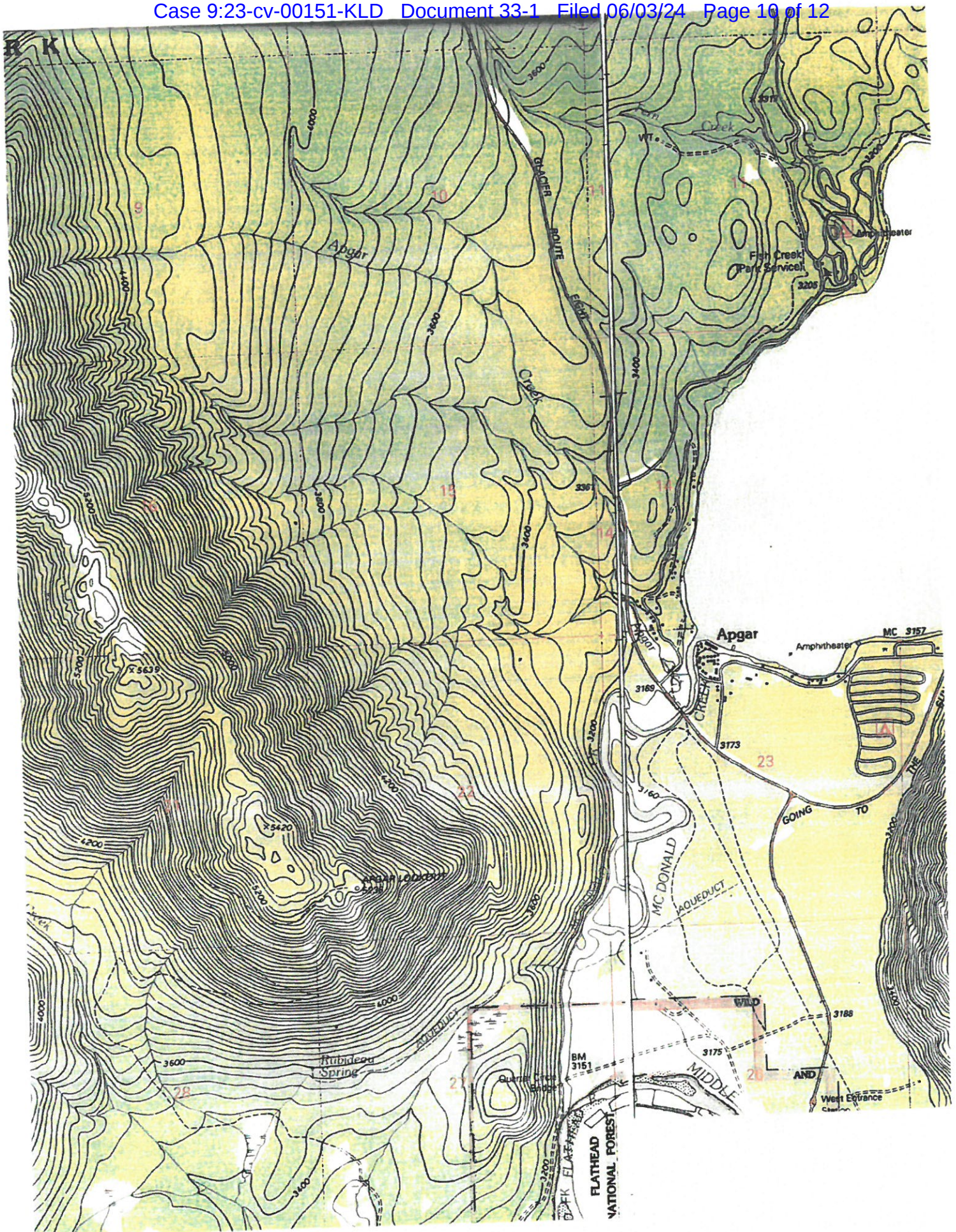
**ANY COMPLAINTS FILED WITH THIS OFFICE MAY BE REQUIRED BY LAW
TO BE OPEN TO THE PUBLIC**

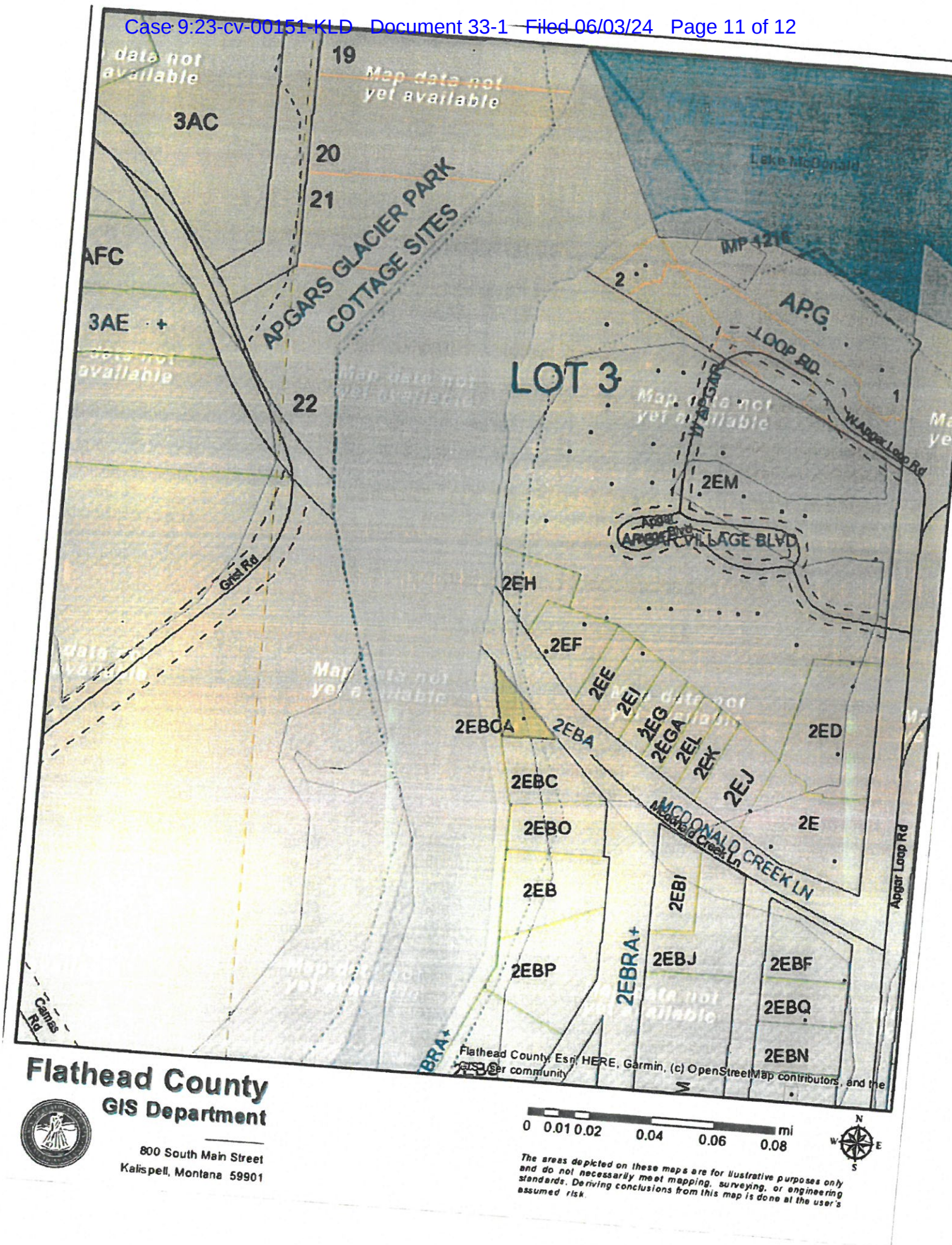
(FCD 2020)











1/23/23, 8:29 AM

Print Property Record Card

Property Record Card

Summary

Primary Information

Property Category: RP
Geocode: 07-4406-23-2-02-01-0000

Subcategory: Residential Property

Assessment Code: 0000378700

Primary Owner:
 AMBLER JOHN & STACY
 1375 LORING ST

Property Address:

COS Parcel: N/A

SAN DIEGO, CA 92109-1908

NOTE: See the Owner tab for all owner information

Certificate of Survey: 17376-10

Subdivision:

Legal Description:

S23, T32 N, R19 W, 17376-10, PARCEL N/A, TR 2EBCA IN L3

Last Modified: 1/20/2023 10:18:03 PM

General Property Information

Neighborhood: 207.550.M

Property Type: VAC_R - Vacant Land - Rural

Living Units: 0

Levy District: 07-0C23-08 - MAIN

Zoning:

Ownership %: 100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0

Limited: 0

Property Factors

Topography:

Fronting:

Utilities:

Parking Type:

Access:

Parking Quantity:

Location:

Parking Proximity:

Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	0.050	00.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
6/11/2019			7/11/2019	201900014116	Warranty Deed

svc.mt.gov/msl/MTCadastral/PrintPropertyRecordCard/GetPropertyRecordCardData?Geocode=07440623202010000

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